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03 AUG 2007

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In re Application of CLARKE :
U.S. Application No.: 10/585,778 :
PCT Application No.: PCT/GB2005/001063 : DECISION
Int. Filing Date: 22 March 2005 :
Priority Date Claimed: 02 April 2004 :
Attorney Docket No.: 87136/TJS :
For: ELECTROWETTING DISPLAY ELEMENT :

This is in response to applicant's "Petition in Response to 35 U.S.C. 371" filed 23 February 2007, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/GB2005/001063, which claimed priority of an earlier United Kingdom application filed 02 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 13 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 02 October 2006.

On 12 July 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 15 December 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 12 July 2006 does not list the second inventor who is named in the published international application.

On 23 February 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The DO/EO/US has not received a Notification of the Recording of a Change (Form PCT/IB/306) which states that Eloise Welfare has been removed as an inventor. If the inventorship is not corrected in the international stage, a proper petition to correct inventorship under 37 CFR 1.497(d) must be filed. Therefore, withdrawal of the Notification of Missing Requirements is not indicated in the present case.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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